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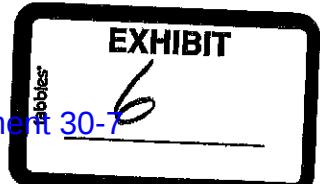
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RE Arms v. Milwaukee County
 Case No. 18-CV-1835

Dear Ms. Lewison:

As you know, in your requests to produce you requested the personnel files for an extensive list of County employees. See Request to Produce No. 40. We objected to that request as the requests for the 38 personnel files are vague, overbroad, and unlikely to lead to the discovery of admissible evidence. We also advised you that subject to those objections, we would reconsider production upon a reduction in the list of requested individuals. In response, you have asked for the personnel files of seventeen County employees:

Raisa Koltun
 Thomas Condella
 Lisamarie Arnold
 Jonathan Janowski
 Randal Kohl
 Geri Lyday
 Claire Zautke
 Hector Colon
 Maria Ledger
 Jim Sullivan
 Carmen Pangilinan
 Mary Proctor Brown
 Patricia Batemon
 Stephanie Sue Stein
 Bashir Easter
 Beth Monrial Zatarski
 Vonda Nyang



We renew our objection to your requests. Although you have stated that you should have access to these personnel files because they "may" contain some kind of record to attack the employee's credibility, that is not a sufficient basis for your request. Such a request is a classic "fishing expedition," and simply because a personnel file "may" have a document that "might" affect an employee's credibility is not a sufficient basis for showing that the personnel files are discoverable. Such an approach to discovery is not permissible:

Personnel files of other employees not parties to a lawsuit are private and confidential and should be protected as such unless the information is relevant and there are no less intrusive means for obtaining the information. *Raddatz v. Standard Register Co.*, 177 F.R.D. 446 (D. Minn. 1997). Accordingly, access to the personnel files of Power's coworkers [*9] is thus limited to documents relating to similarly-situated individuals. *Balderston*, 328 F.3d at 320; *Maxey v. Reynolds Metal Co.*, 805 F.2d 1035 (6th Cir. 1986). Further, courts have "substantial discretion to curtail the expense and intrusiveness of discovery in limiting an adverse party's request for broad discovery of personnel files." *Balderston*, 328 F.3d at 320.

Powers v. Usf Holland, 2008 U.S. Dist. LEXIS 142603, *8-9. The holding in *Powers* is not an anomaly: "The Court also acknowledges that a non-party subpoena served for the sole purpose of fishing for evidence to impeach Plaintiff's credibility would not be proper. See *Woods v. Fresenius Med. Care Grp. of N. Am.*, 106CV1804RLYWTL, 2008 U.S. Dist. LEXIS 3756, 2008 WL 151836, at *2 (S.D. Ind. Jan. 16, 2008)." *Alderson v. Ferrellgas, Inc.*, 2013 U.S. Dist. LEXIS 190674, *18

You have not articulated any basis for why these personnel files are reasonably calculated to lead to the discovery of admissible evidence. Your suspicion that they might affect someone's credibility is not a basis to make these personnel files discoverable. To be discoverable, you

....must demonstrate that the [personnel] documents [plaintiff] seeks actually are relevant to the claims and defenses in this case.[plaintiff] must demonstrate a specific reason why the information is relevant to the particular claims and defenses in the case at hand. In other words, absent a showing that the subpoenas are reasonably calculated to lead to the discovery of admissible evidence, the [plaintiff] is simply embarking on the proverbial fishing expedition, and the theoretical potential relevance of any information obtained by such discovery is outweighed by the interests of the [defendant]...

Woods v. Fresenius Med. Care Group of N. Am., 2008 U.S. Dist. LEXIS 3756, *3-5, 2008 WL 151836. You have not made any such showing, and a majority of the people on your list are not even potential witnesses in this matter.

Based upon the above, we continue to object to your request to produce these personnel files.

Very truly yours,
JACKSON LEWIS P.C.

/s/ Ronald S. Stadler

Ronald S. Stadler

RSS/tnm

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